

**CALENDAR ITEM
C47**

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06/29/15

W 26859

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G. Asimakopoulos

**GENERAL LEASE – RECREATIONAL AND
PROTECTIVE STRUCTURE USE**

APPLICANT:

Joseph E. Upham and Mary B. Upham

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the Sacramento River, adjacent to 85 Edgewater Drive, near the city of Rio Vista, Solano County.

AUTHORIZED USE:

Use and maintenance of an existing wood deck, uncovered floating boat dock, gangway, two steel pilings, three unattached steel pilings, bulkhead, and bank protection not previously authorized by the Commission.

LEASE TERM:

10 years, beginning June 29, 2015.

CONSIDERATION:

Wood Deck, Uncovered Floating Boat Dock, Gangway, Two Steel Pilings, and Three Unattached Steel Pilings: \$154 per year, with an annual Consumer Price Index adjustment.

Bulkhead and Bank Protection: The public use and benefit, with the State reserving the right at any time to set a monetary rent if the Commission finds such to be in the State's best interests.

SPECIFIC LEASE PROVISIONS:

Liability insurance in an amount no less than \$1,000,000 per occurrence.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.
2. The existing deck, dock and appurtenant facilities, bulkhead, and bank protection have not previously been authorized by the Commission, but have existed at this location for many years, and were constructed prior to the Applicant's ownership of the upland. The Applicant is now applying for

CALENDAR ITEM NO. **C47** (CONT'D)

a General Lease – Recreational and Protective Structure Use. Staff recommends authorization of the existing facilities.

3. The bulkhead and bank protection will mutually benefit both the public and the Applicant. The bank of the Sacramento River will have additional protection for the river channel from wave action provided at no cost to the public.
4. The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBITS:

- A. Land Description
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

CALENDAR ITEM NO. **C47** (CONT'D)

AUTHORIZATION:

Authorize issuance of a General Lease – Recreational and Protective Structure Use to Joseph E. Upham and Mary B. Upham beginning June 29, 2015, for a term of 10 years, for the use and maintenance of an existing wood deck, uncovered floating boat dock, gangway, two steel pilings, three unattached steel pilings, bulkhead, and bank protection not previously authorized by the Commission, as described on Exhibit A and shown on Exhibit B (for reference purposes only), attached and by this reference made a part hereof; consideration for the existing wood deck, uncovered floating boat dock, gangway, two steel pilings and three unattached steel pilings: \$154 per year with an annual Consumer Price Index adjustment; consideration for the bulkhead and bank protection: the public use and benefit, with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interests; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

W 26859

LAND DESCRIPTION

Four parcels of tide and submerged land situate in the bed of the Sacramento River, lying adjacent to Rancho Los Ulpinos, patented August 9, 1866, County of Solano, State of California and more particularly described as follows:

PARCEL 1 - Dock

All those lands underlying an existing uncovered floating boat dock, gangway, deck and two steel pilings lying adjacent to that parcel described in Individual Grant Deed, recorded March 12, 1991 in Document No. 910015724 in Official Records of said County.

TOGETHER WITH that land lying immediately beneath any bank protection structure adjacent to said parcels.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the right bank of said river.

PARCELS 2 through 4 – Unattached Steel Pilings

All those lands underlying three existing steel pilings lying adjacent to that parcel described in Individual Grant Deed, recorded March 12, 1991 in Document No. 910015724 in Official Records of said County.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 05/07/15 by the California State Lands Commission Boundary Unit



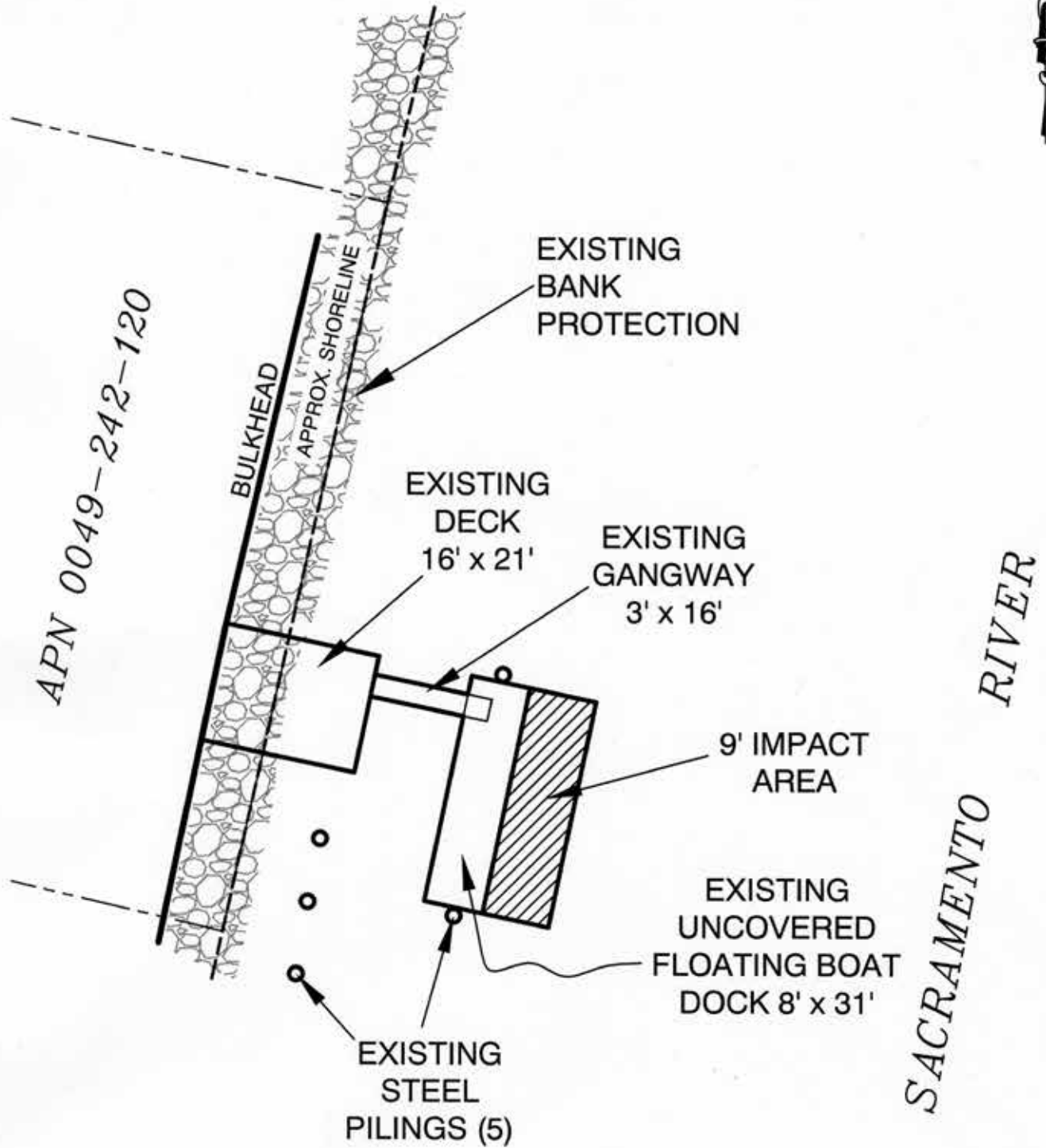


EXHIBIT A

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LAND DESCRIPTION PLAT
W 26859, UPHAM
SOLANO COUNTY

CALIFORNIA STATE
LANDS COMMISSION



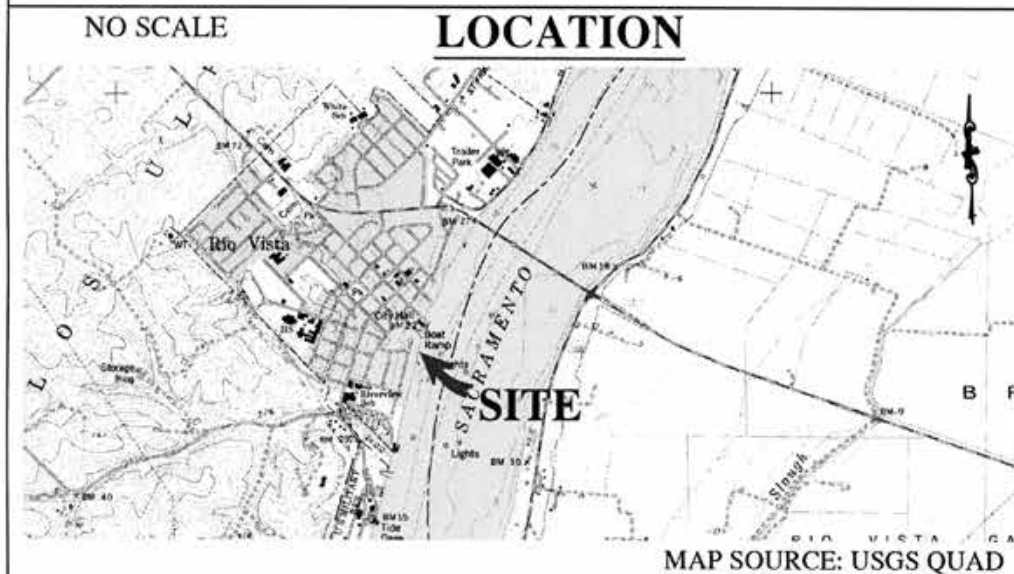
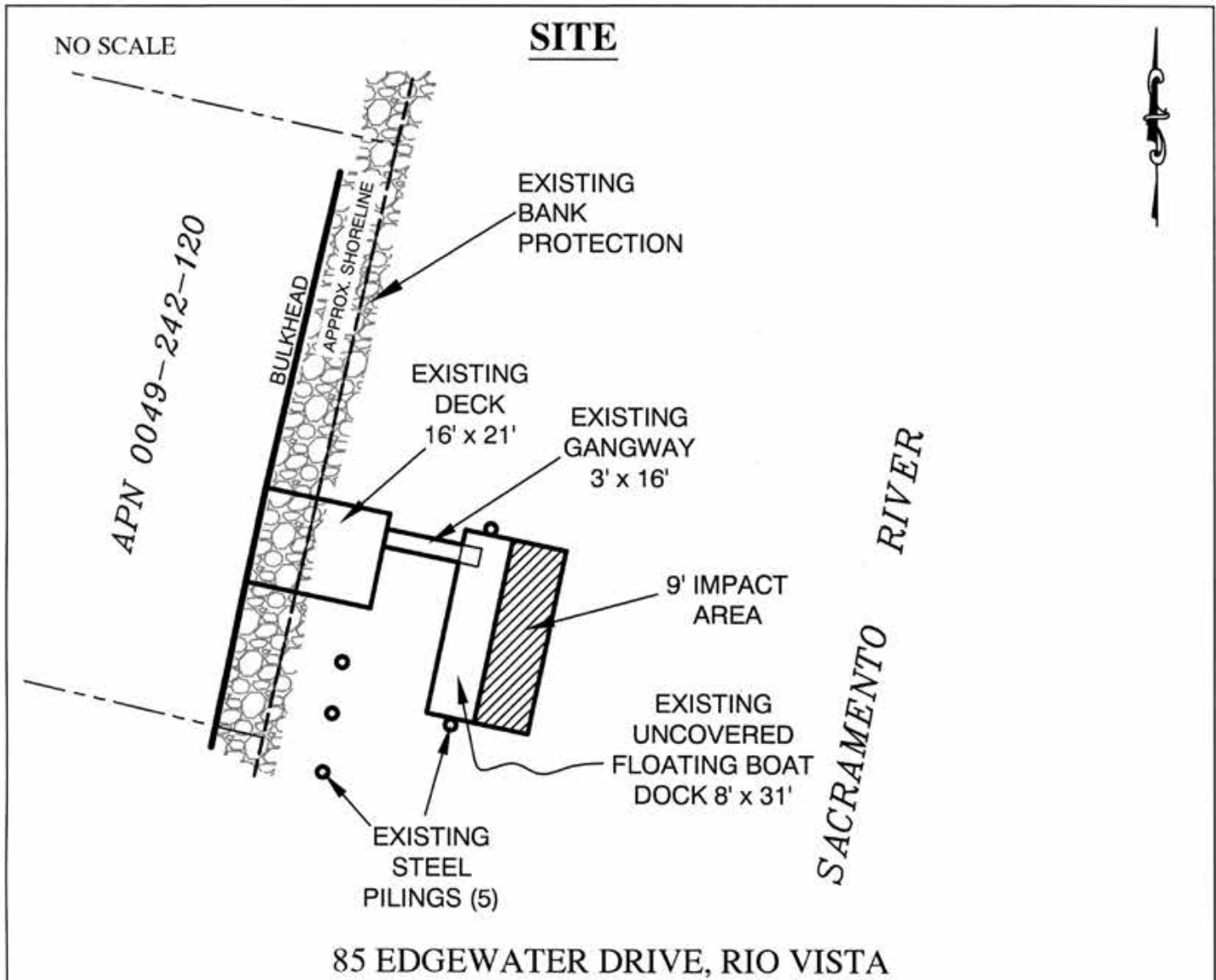


Exhibit B

W 26859
UPHAM
APN 0049-242-120
GENERAL LEASE -
RECREATIONAL & PROTECTIVE
STRUCTURE USE
SOLANO COUNTY



TS 05/07/15

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.